

# **EXHIBIT C**

## **Part I**

61 Cr 692

**ATTORNEYS**

**Spécialité :**

TOTAL - THIRTY-TWO COUNTS

**DIAB.**

[illegible]

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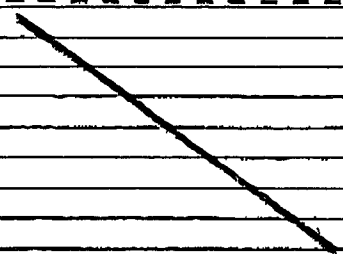
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LOWELL M. BIRRELL - Warrant of Arrest ordered, Murphy, D.J.

- SIDE OVER -

DATE	EXHIBIT
	UNITED STATES OF AMERICA
	-v-
	1. J.A. WINSTON & CO., INC. - All 32 counts
	2. JOEL ALFRED WINSTON - All 32 counts
	3. ALBERT BERNSTEIN - All 32 counts
	4. IRVING BERNSTEIN - All 32 counts
	5. MORRISON GILBERT - All 32 counts
	6. LOWELL M. BIRRELL - All 32 counts
	7. LEO GLASSMAN - Counts 5, 10 & 32
	8. BENJAMIN N. SAPORTA - Counts 16 and 32
	9. MATTHEW NAPHTALI - Counts 6, 8, 17 & 32
	10. HARRY LEVINE - Counts 1, 15, 18 & 32
	11. MAX LEVINE - Counts 11, 14, 21 & 32
	12. BERNARD ROTTER - Counts 3, 9 & 32
	13. BENOF BERMAN - Counts 2, 4, 13, 19 & 32
	14. PHIL F. KRUMHOLZ - Cts 7, 12, 20 & 32
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	Counts 1 to 16 - Title 15, U.S. Code, Secs. 77q(a) and 77x; Title 18, U.S. Code, Section 2 Violation of the anti-fraud provisions of the Securities Act of 1933 in the offer and sale of the common shares of capital stock of American Leduc Petroleum Limited.
	Counts 17 to 21 - Title 18, Secs 2 & 1341, U.S. Code Unlawfully using the mails in a scheme to defraud.
	Counts 22 to 25 - Title 15, U.S. Code, Sections 77e(a)(1) & 77x; Title 18, U.S. Code, Section 2 Unlawfully using the mails to sell & offer to sell unregistered securities.
	Counts 26 to 31 - Title 15, U.S. Code, Sections 77e(a)(2) & 77x; T. 18, Sec. 2, U.S.C. Using the mails & interstate commerce for the purpose of sale & delivery after sale of unregistered securities.
	Count 32 - Title 18, U.S. Code, Section 371 Conspiracy so to do.
	- CONT'D TO PAGE # 3 -
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JS-3 Mailed  
1-6-8-9-10-11-12, 134



DATE	PROCEEDINGS
1-21-61	LOWELL M. BIERELL - Bench Warrant issued.
2-5-61	BENOF BERMAN - Filed Notice of Appearance by John L. Sullivan, 26 Brdway, N.Y. 4, N.Y.
2-2-61	MATTHEW NAPHTALI ) BERNARD ROTTER ) Filed notice of appearance by Glass & Greenapple, 660 Madison Ave, NYC
3-11-61	J.A. WINSTON & CO, INC. - PLEADS NOT GUILTY by Joel Alfred Winston, Pres. JOEL A. WINSTON - PLEADS NOT GUILTY - Bail fixed at \$25,000. ALBERT BERNSTEIN - PLEADS NOT GUILTY - Bail fixed at \$25,000. IRVING BERNSTEIN - PLEADS NOT GUILTY - Bail fixed at \$25,000. MORRISON GILBERT - PLEADS NOT GUILTY - Bail fixed at \$10,000. LEO GLASSMAN - PLEADS NOT GUILTY - Bail fixed at \$7,500. BENJAMIN N. SAPORTA - PLEADS NOT GUILTY - Bail fixed at \$5,000. MATTHEW NAPHTALI - PLEADS NOT GUILTY - Bail fixed at \$5,000. HARRY LEVINE - PLEADS NOT GUILTY - Bail fixed at \$5,000. MAX LEVINE - PLEADS NOT GUILTY - Bail fixed at \$3,500. BERNARD ROTTER - PLEADS NOT GUILTY - Bail fixed at \$2,500. BENOF BERMAN - PLEADS NOT GUILTY - Bail fixed at \$1,000. PHIL F. KRUMHOLZ - PLEADS NOT GUILTY - Bail fixed at \$5,000. Defts ordered photographed and fingerprinted. Defts paroled in custody until 4PM on 8/14/61 to furnish bail and 9/18/61 to make motions. Herlands, J.
3-11-61	MATHEW NAPHTALI - Filed affidavit, consents and order enlarging defendant's bail limits to include the Eastern District of New York. HERLANDS, J.
3-11-61	BERNARD ROTTER - Filed affidavit, consents and order enlarging defendant's bail limits to include the Eastern District of New York. HERLANDS, J.
3-11-61	BENJAMIN SAPORTA - PHIL KRUMHOLZ ) LEO GLASSMAN - HARRY LEVINE - MAX LEVINE ) Filed notice of appearance as to all five(5) defendants by Christy, Perkins & Christy, by Arthur H. Christy, 30 Rockefeller Plaza, NYC
3-11-61	J.A. WINSTON & CO., INC.) JOEL A. WINSTON ) ALBERT BERNSTEIN ) IRVING BERNSTEIN ) MORRISON GILBERT. ) Filed notice of appearance by Gallop Climenko & Gould by Milton S. Gould, 361 Lex., Ave., NYC as to all five(5) defendants.
8-15-61	BENJAMIN N. SAPORTA - Filed affidavit, consents and Order enlarging the defendant's bail limits to include the Eastern District of New York. MURPHY, J.
8-15-61	LEO GLASSMAN - Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY, J.
8-15-61	MAX LEVINE - Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY, J.
8-15-61	HARRY LEVINE - Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY, J.
8-15-61	PHIL KRUMHOLZ - Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY, J.

DATE	PROCEEDINGS
5-15-61	MORRISON GILBERT-Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY,J.
5-15-61	JOEL A. WINSTON-Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY,J.
5-15-61	ALBERT BERNSTEIN-Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY,J.
5-15-61	IRVING BERNSTEIN-Filed affidavit, consents and Order enlarging defendant's bail limits to include the Eastern District of New York. MURPHY,J.
8-30-61	BENOF BERMAN- Filed Affidavit & Notice of Motion for an order granting deft. a severance of the trial.
9-18-61	IRVING BERNSTEIN-Filed affidavit and notice of motion for an order enlarging the defendant's bail limits to permit him to vacation in Miami Beach, Florida, during the period between 10-19- and 11-6-61.
9-25-61	IRVING BERNSTEIN-Motion Submitted. Decision reserved. NOONAN,J.
9-25-61	IRVING BERNSTEIN- MEMO ENDORSED- <del>Mark</del> on motion papers filed 9-18-61-"Motion denied. * * * So ordered." Noonan,J. ( Notice Mailed)
9-25-61	IRVING BERNSTEIN- Filed Affidavit of Arthur L. Liman, Asst. U.S. Atty in opposition to motion to extend deft's bail limits, sworn to 9-22-61
10-9-61	BENHOF BERMAN-Motion for severance -Argued. Decision reserved. MURPHY,J.
10-9-61	J.A. WINSTON & CO., INC. ) JOEL ALFRED WINSTON ) Filed Affidavit & Notice of Motion to strike surplusage ALBERT BERNSTEIN ) & for a bill of particulars IRVING BERNSTEIN ) MORRISON GILBERT ) "10-27-61" Motion argued. Decision reserved. Murphy,J.
10-10-61	BENOF BERMAN - Filed Affidavit of Arthur L. Liman, Ass't U.S. Atty in opposition to deft's motion for a severance.
10-10-61	BENOF BERMAN - Memorandum endorsed on motion filed 8-30-61. "Motion denied. This is an order no settlement is necessary. Murphy, J." (Mailed Notice).
10-11-61	LEO GLASSMAN ) PHILIP KRUMHOLZ ) BENJAMIN SAPORTA ) HARRY LEVINE ) MAX LEVINE ) - Filed Affidavit and Notice of Motion for pre-trial inspection and for a bill of particulars. "10-27-61" Motion argued. Decision reserved. Murphy,J.
10-11-61	MATTHEW NAPHTALI) BERNARD ROTTER ) Filed affidavit and notice of motion for discovery and inspection; bill of particulars. "10-27-61" Motion argued. Decision reserved. Murphy,J.
11-6-1961	Filed Transcript of record of proceedings, dated 8-11-61

Continued on Page 5



DATE	PROCEEDINGS
10-26-61	ALBERT BERNSTEIN-Filed affidavit, consents and Order enlarging the defendant's bail limits to include the Eastern District of New York. MURPHY, J.
10-26-61	IRVING BERNSTEIN-Filed affidavit, consents and Order enlarging the defendant's bail limits to include the Eastern District of New York. MURPHY, J.
10-26-61	MORRISON GILBERT-Filed affidavit, consents and Order enlarging the defendant's bail limits to include the Eastern District of New York. MURPHY, J.
10-26-61	JOEL A. WINSTON-Filed affidavit, consents and Order enlarging the defendant's bail limits to include the Eastern District of New York. MURPHY, J.
11-8-61	BENJAMIN SAPORTA-Filed notice of substitution by Stanley Kliffeld, 60 Wall St, NYC Consented to. So ordered: 11-9-61-Herbert A. Charlson, Clerk.
11-14-61	ALBERT BERNSTEIN-Filed bail bond dated 8-11-61 for \$25,000. by Public Service Mutual Ins. Co.
11-14-61	MORRISON GILBERT-Filed bail bond dated 8-11-61 for \$10,000. by Public Service Mutual Ins. Co.
11-14-61	IRVING BERNSTEIN-Filed bail bond dated 8-11-61 for \$25,000. by Public Service Mutual Ins. Co.
11-14-61	LEO GLASSMAN-Filed bail bond dated 8-11-61 for \$7,500. by Public Service Mutual Ins. Co.
11-14-61	PHIL E. KRUMHOLZ-Filed bail bond dated 8-11-61 for \$5,000. by Public Service Mutual Ins. Co.
11-14-61	HARRY LEVINE-Filed bail bond dated 8-11-61 for \$5,000. by Public Service Mutual Ins. Co.
11-14-61	MAX LEVINE-Filed bail bond dated 8-11-61 for \$3,500. by Public Service Mutual Ins. Co.
11-14-61	MATTHEW ANPHTALI-Filed bail bond dated 8-11-61 for \$5,000. by Public Service Mutual Ins. Co.
11-14-61	BERNARD ROTTER-Filed bail bond dated 8-11-61 for \$2,500. by Public Service Mutual Ins. Co.
11-14-61	BENJAMIN N. SAPORTA-Filed bail bond dated 8-11-61 for \$5,000. by Public Service Mutual Ins. Co.
11-14-61	JOEL A. WINSTON-Filed bail bond dated 8-11-61 for \$25,000. by Public Service Mutual Ins. Co.
11-14-61	BENOF BERMAN-Filed bail bond dated 8-11-61 for \$1,000. by Public Service Mutual Ins. Co.
11-20-61	Filed Memorandum # 27304 - MURPHY, D.J. - Motions by different groups of defendants for a bill of particulars, and discovery and inspection of testimony given before the Securities and Exchange Commission are granted in part and denied in part. The Winston group of defendants move to strike from paragraph 1 of the indictment the words "too numerous to name herein". The words are ordered stricken. These are orders. No settlements are necessary. ( SEE MEMORANDUM and ORDERS ) (Mailed Notices).

-SEE OVER -

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DATE	PROCEEDINGS
-20-61	Filed Affidavit of Arthur L. Liman, Ass't U.S. Attorney in opposition to the motions for bills of particulars, production of statements of defendants and deletion of alleged surplusage.
-26-62	IRVING BERNSTEIN-Filed affidavit, consents and Order enlarging the defendant's bail limits. WEINFELD, J.
-26-62	MORRISON GILBERT-Filed affidavit, consents and Order enlarging the defendants's bail limits. WEINFELD, J.
-6-62	IRVING BERNSTEIN- Filed Affidavit & Order enlarging def't's bail limits to permit him to travel between the SDNY & the State of Florida during the month of April, 1962. (Surety consents & Not opposed by the U.S. Atty) (signed 4-5-62) Dawson, J.
5-6-62	JOEL A. WINSTON-Filed Order and consent enlarging defendant's bail limits. NOONAN, J.
5-6-62	JOEL A. WINSTON-Filed affidavit of Joel A. Winston, sworn to 6-6-62.
<del>5-6-62</del>	<del>JOEL A. WINSTON-Filed Order and consent enlarging defendant's bail limits. NOONAN, J.</del>
-8-63	LEO GLASSMAN - Filed Affidavit, Consents & Order extending the Def'ts. Bail Limits. (Entered 3-11-63 & Mailed Notice) TYLER, J.
28-63	IRVING BERNSTEIN-Filed affdvt, consents & order extending def't's bail limits- (Entered 3-29-63 & mailed notice).
7-64	BERNARD ROTTER - Filed Affidavit, Consents and Order extending the defendant's bail limits to include the District of Puerto Rico, for the period from Feb. 7th through Feb. 28, 1964. NOONAN, D.J.
-27-64	IRVING BERNSTEIN - Filed affidavit, Consents and Order enlarging def't's bail limits so as to permit said def't. to travel between the SDNY and the state of Fla. during the period from 3/1/64 to 4/15/64. Dated: N.Y. 2-26-64. NOONAN, J. (mailed notice)
20-64	ALBERT BERNSTEIN-Filed affdvt, consents and order enlarging def't's bail limits-LEVET, J. (also for 61 Cr. 903 and 62 Cr. 46).
-23-64	LOWELL M. BIRRELL - Produced on warrant. Pleading and fixing of bail adj. to 4-24-64. Remanded. WEINFELD, J.
5-64	Filed One Sealed Envelope with the following notations: " Since Mr. Younger has requested the Court to permit him to withdraw as designated counsel, the request is granted. May 5, 1964. Weinfield, D.J." " Sealed - Not to be opened without an order of Court. Weinfield, D.J." 5-5-64 (Envelope placed in vault-Room 602). ( This envelope is filed in the vault under file # 61 Cr 692)
8-64	LOWELL M. BIRRELL - William Pennell, Esq., assigned as counsel. Pleads Not Guilty - Attorney Present - Def't Remanded. (No Bail). Feinberg, J.
9-64	LOWELL M. BIRRELL - Filed Affidavit and Order to Show Cause to remove Chester Zochowski, a/k/a Chester Gray from the def't's cell. WEINFELD, J. ( Filed in Cr. 159-275).

DATE	PROCEEDINGS
5-11-64	LOWELL M. BIRRELL - Filed Notice of Appearance by William B. Pennell, Esq., of 20 Exchange Pl., NY 5, NY
5-12-64	LOWELL M. BIRRELL - Filed in Cr. 159-275, affidavit of Peter H. Morrison, Esq., Ass't U.S. Atty, dated 5-12-64, in opposition to motion filed 5-9-64.
5-12-64	LOWELL M. BIRRELL - Filed Memorandum endorsed on motion, filed in Cr. 159-275, on 5-9-64: " Motion Denied after argument without prejudice to renewal. Feinberg, D.J." (Mailed notice on 5-12-64).
5-28-64	MORRISON GILBERT ) IRVING BERNSTEIN ) JOEL ALFRED WINSTON ) ALBERT BERNSTEIN ) - ALL defendants (Attorneys Present) Plead GUILTY (Attorney Present) to Counts 15, 24, 25 & 32 only. Sentences adj'd sine die. No pre-sentence reports ordered. FEINBERG, D.J.
5-28-64	LOWELL M. BIRRELL - Filed Affidavit, in Cr. 159-275, of Lowell McAfee Birrell, dated 5-28-64, requesting appointment of counsel.
5-28-64	LOWELL M. BIRRELL - Filed Affidavit, in Cr. 159-275, of Peter H. Morrison, Esq., Ass't U.S. Atty, dated 5-22-64, in opposition to motion of 5-21-64.
6-15-64	<i>Filed Transcript of record of proceedings, dated 5-8-64 (filed in 159-275)</i>
7-1-64	LOWELL M. BIRRELL - Filed affdvt & show cause order in Cr. 159-275 to enlarge time for serving and filing motions from 7-6-64 to 9-7-64 and enlarge time for return date from 7-20-64 to 9-21-64.
7-6-64	LOWELL M. BIRRELL - MEMORANDUM endorsed on show cause filed 7-1-64p Motion for extension of time to serve pretrial motions granted, etc (see complete entry in Cr. 159-275) BRYAN, J.
7-6-64	Filed (in Cr. 159-275) opposing affdvt of Peter H. Morrison, Asst. U.S. Atty.
7-6-64	LOWELL M. BIRRELL - Filed (in Cr. 159-275) affdvt of poverty.
7-9-64	MORRISON GILBERT - Filed consents & order extending deft's bail limits to ED NY & Dist. Conn. during summer months of 1964 (also for 61 Cr. 903 & 62 Cr. 46) BRYAN, J.
8-21-64	<i>Filed Transcript of record of proceedings, dated 7-6-64 (Filed in Cr. 159-275)</i>
9-1-64	<i>Filed Transcript of record of proceedings, dated 5-28-64</i>
9-4-64	LOWELL M. BIRRELL - Filed affdvt & notice of Motion to dismiss indictment; inspection of Grand Jury minutes, etc.
9-4-64	LOWELL M. BIRRELL - Filed affdvt & application to proceed in forma pauperis - See entry in Cr. 159-275 for MEMO ENDORSED dated 9-3-64 by REAN, Jr (Filed in Civ. 153-285) Error - Filed in /

(cont'd page 8)



DATE	PROCEEDINGS
-4-64	LOWELL M. BIRRELL - Filed opposing affdvt - (Filed in Cr. 159-275) Error - Filed in Civil
-4-64	LOWELL M. BIRRELL - Filed copy of records of proceedings ofn 7-6-64 (Filed in Cr. 159-275)
9-64	LOWELL M. BIRRELL - Filed affdvt & notice of motion for return of seized property and for suppression; for a hearing; for production; and for dismissal of indictments, with supporting memorandum (Filed in Cr. 159-275)
11-64	LOWELL M. BIRRELL - Filed affdvt & show cause order to direct that filing cabinets, bureaus, cartons, packages & contents thereof now in room in US Courthouse be sealed etc. (filed in Cr. 159-275)
-14-64	LOWELL M. BIRRELL - Order to show cause - motion argued - Decision Reserved. MURPHY, J.
21-64	LOWELL M. BIRRELL - MEMO ENDORSED on motion <del>papers</del> papers filed 9-4-64, "This Motion is marked off the calendar on consent of both counsel, subject to restoration." <del>XXXXXXXXXXXX</del> SUGARMAN, J.
21-64	LOWELL M. BIRRELL - MEMO ENDORSED on motion papers filed 9-9-64, "This motion is marked off the calendar on consent, subject to restoration." SUGARMAN, J.
-22-64	LOWELL M. BIRRELL - Filed affvd. of Paul R. Grand, Ass't U.S. Atty in opposition to the def't's application for an order sealing approximately 45 file cabinets in the custody of the Clerk of this Court or, in the alternative, for an order granting def't's counsel the right to be present in the room where said file cabinets are stored whenever any other person is present." (filed in 159-275)
-22-64	LOWELL M. BIRRELL - Filed Memorandum in support of motion to return and suppress evidence illegally seized. (filed in 159-275)
-22-64	LOWELL M. BIRRELL - See Memorandum endorsed on Order to Show Cause, filed 9/11/64, in Cr. 159-275: "Motion denied * * * * This is an order. No settlement is necessary. MURPHY, D.J." (See Memo and Order) (Mailed notice on 9/25/64).
-27-64	LOWELL M. BIRRELL - Filed, in Cr. 159-275, Gov't's affidavits in opposition to def't's motion, filed 9/9/64.
27-64	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Memorandum endorsed on motion filed 9/9/64: " Motion denied without prejudice. See minutes. To be refiled on 11/16/64 to be heard 11/30/64. Affidavits to be filed by 11/16/64. Gov't may reply by 11/30/64. CANNELLA, D.J. - 10/27/64 -
-16-64	LOWELL M. BIRRELL - Filed, in Cr. 159-275, Affidavit and Notice of Motion for suppression of evidence under Rule 41(e), F.R.Crim.P.
-16-64	LOWELL M. BIRRELL - Filed, in Cr. 159-275, def't's memo re: motion filed 11/16/64.
2-2-64	IRVING BERNSTEIN - Filed affidavit, consents and order enlarging the bail limits so as to permit def't. to travel to Los Angeles, California & return to SD of N.Y. for the period from Dec 4 to Dec. 30, 1964. Dated Dec. 2, 1964 WYATT, J. (mailed notice)

DATE	PROCEEDINGS
2-2-64	ALBERT BERNSTEIN - Filed <del>affid</del> affidavit, consents and order enlarging the bail limits so as to permit deft. to travel <del>from</del> to Los Angeles, Calif. & return to S.D. of N.Y. for the period from Dec. 4 to Dec. 30, 1964. Dated Dec. 2, 1964 Wyatt, J. (mailed notice)
5-65	IRVING BERNSTEIN - Filed affvd., consents & ORDER extending the deft's bail limits to permit him to travel from the S.D.N.Y. on 2-11-65, to Miami, Florida and return to the S.D.N.Y. on March 11, 1965. Dated: 2-4-65 WEINFELD, J. (mailed notice)
2-11-65	LOWELL M. BIRRELL - Bail fixed in the sum of \$150,000. to cover this indictment & indictments Cr. 159/275, 61 Cr. 200, <del>XXXXXX</del> , 61 Cr. 820, 61 Cr. 903 & 62 Cr. 307. Deft. Remanded in lieu of bail fixed. WEINFELD, J.
2-12-65	JOEL WINSTON - Filed ORDER, affvd, & consents to extend the deft's bail limits to include from the S.D.N.Y. on 2-13-65 to Montreal, Canada & return to the S.D.N.Y. on 2-14-65. Dated: N.Y., N.Y. 2-12-65. WEINFELD, J. (mailed notice)
2-24-65	LOWELL M. BIRRELL - Filed Remand dated 4-23-64. WEINFELD, J. (Filed in Cr. 159-275)
3-17-65	JOEL WINSTON - Filed Affidavit, Consents and Order extending the deft's bail limits to include the continental United States. COOPER, D.J. (See 61 Cr 903 and 62 Cr 46).
5-10-65	LOWELL M. BIRRELL - Filed affdvt & notice of motion to set aside orders of Palmieri, J. in Equitable Plan Co. 93698 & Swan-Finch Oil 93046. (Filed in 61 Cr. 200)
5-10-65	LOWELL M. BIRRELL - Filed opposing affdvt of P.R. Grand, AUSA (Filed in 61 Cr. 200)
5-10-65	LOWELL M. BIRRELL - Filed Opinion #31,215. Motion set aside, etc. 2 orders of Palmieri, J. denied - So ordered - CROAKE, J. (notice mailed) Filed in 61 Cr. 200.
5-10-65	<i>Filed Transcript of record of proceedings, dated 5-3-65 (filed in 61 Cr. 200)</i>
5-21-65	MORRISON GILBERT - Filed affidavit, consents and ORDER, extending the deft's bail limits to and from Arlington, Va. DATED: 5-21-65. RYAN, C.J. (mailed notice) (filed in this indictment)
6-1-65	LOWELL M. BIRRELL - Filed, in 61 Cr. 200, Affidavits and Notice of Motion, dated 6/1/65, for an order setting aside, vacating & expunging two orders dated 4/20/65, signed by Palmieri, D.J.
6-1-65	LOWELL M. BIRRELL - Filed Affidavit of Prejudice of Lowell McAfee Birrell in 61 Cr 200, together with certificate of counsel. (Affidavit dated 6/1/65)
6-1-65	LOWELL M. BIRRELL - Filed in, 61 Cr 200, Memorandum in support of affidavit of prejudice.
6-4-65	Albert Bernstein; --Filed order extending the defendant's bail Limits.

----- O V E R -----

Croake J.

DATE	PROCEEDINGS
-7-65	LOWELL M. BIRRELL - MEMO ENDORSED on motion papers filed 6-1-65, "The within motion is respectfully referred to Chief Judge Ryan." CANNELLA, J.
8-65	LOWELL M. BIRRELL - Filed Affidavit & Notice of Motion to appoint a law firm, attorney or attorneys to represent the indigent LOWELL M. BIRRELL as to the indictments numbered 61 Cr 692 & 61 Cr 903 & relieving William B. Pennell, Esq., from such assignment.
11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Affidavits of Gerald Walpin, Esq., & Charles A. Stillman, Esq., Ass't U.S. Attys, each dated 11/30/64 in opposition to motion to suppress.
11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Memorandum in support of motion to suppress.
11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Gov't's Memorandum of Law in opposition to motion to suppress.
11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Gov't's Supplemental Memo of Law in opposition to motion to suppress.
11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Deft's Further Memorandum in support of motion to suppress, etc. ✓
-11-65	LOWELL M. BIRRELL - Filed in, Cr. 159-275, Memorandum # 31,336 - WYATT, D.J. - Motion of def't Birrell to suppress for use as evidence the property seized on 8/22/59 and 8/24/59 is granted. Motion of def't Birrell for a hearing to take evidence on motion to suppress and the motion to direct the U.S.A. to produce, are denied. The Court will receive evidence at the same time & place re: taking (S) into possession by the District Attorney of N.Y. County on 7/24/59 of certain records from the premises on Sugar Bottom Road, & relating to the subsequent custody of those records. Motion of def't Birrell to dismiss the indictments and to inspect the Grand Jury minutes denied. So ordered. WYATT, D.J. (SEE Memorandum & Order) (Copies of memorandum & order sent to the attys by the Judge's sect'y.). (Left out - (Cont'd) - Hearing set in Room 506 at 2 P.M., 6/21/65, to determine whether there is any reason why the seized property, or any part thereof, should not be returned to Birrell).* *
15-65	LOWELL M. BIRRELL - MEMO ENDORSED on motion filed 6-8-65, "Denied without Prejudice." June 15, 1965 CANNELLA, J. (mailed notice)
15-65	LOWELL M. BIRRELL - Filed in, 61 Cr. 200, def't's motion to reduce his bail to the amount of \$5,000.
15-65	LOWELL M. BIRRELL - Filed in, 61 Cr. 200, Memorandum in support of motion to reduce bail.
21-65	BENJAMIN N. SAPOSTA - Filed Affidavit and Notice of Motion for an order relieving Stanley Kligfield as counsel for the def't, granting <del>def't's</del> time to def't to engage new counsel of his own choice or have the Court appoint counsel.

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MC LEAN, J. RULE 261a D-16692

DATE	PROCEEDINGS
6-25-65	LOWELL M. BIRRELL - Filed in, C. 159-275, def't's motion for reargument of motion under Rule 41(e) of the Fed.R.Crim. P. (Motion dt# 6/21/65).
6-25-65	LOWELL M. BIRRELL - Filed in, C. 159-275, Memorandum # 31,399 - WYATT, D.J. - "The government moves under General Rule 9(m) for reargument of a motion made by defendant Birrell under Fed. R. Crim. P. 41(e) * * * * * The Court will hear the parties in Room 129 at 2 o'clock in the afternoon of Monday, June 28, 1965 * * * * * SO ORDERED. 6/25/65. WYATT, D.J. (SEE Memorandum and Order) (Copies of memorandum and order mailed by Judge's sect'y). (The motion for reargument is granted and on reargument the Court adheres to its decision). (SEE ABOVE).
6-25-65	LOWELL M. BIRRELL - Filed in, C. 159-275, Gov't's Memorandum in support of its motion for reargument of motion to suppress.
6-25-65	LOWELL M. BIRRELL - Filed in, C. 159-275, def't's memorandum in opposition to Gov't's motion for reargument.
6-28-65	LOWELL M. BIRRELL - Memorandum endorsed on motion, filed 6/15/65: (Motion filed in 61 Cr. 200) - " 6/28/65 - Case Called. Amount of bail reduced to the sum of \$50,000., subject to further application for reduction. Def't remanded in lieu of reduced bail. CANNELLA, J.
6-28-65	LOWELL M. BIRRELL - Filed in, 61 Cr. <del>XXXXXX</del> 200, Affidavit of Paul R. Grand, Esq., dated 6/28/65, in opposition to motion to reduce bail.
6-28-65	LOWELL M. BIRRELL - Hearing held & concluded on motion for return of seized documents, etc. Decision Reserved. WYATT, D.J.
7-1-65	LOWELL M. BIRRELL - Filed in C.159-275 Memorandum #31429 - WYATT, D.J. - "By orders filed June 11 and 25, 1965, the motion of deft. Birrell under Fed. R.Crim.P. 41 (e) was decided except (1) as to those papers obtained by the District Attorney of New York County on July 24, 1959 and (2) as to whether there was any reason why the records, or any part, should not be returned to movant Birrell. The parties were heard as to these two matters on June 28, 1965." (see Memorandum for disposition of these applications) SO ORDERED. 7/1/65. WYATT, J. (Copies of Memo and Order mailed to attorneys by the Judge's Sect'y.)
7-1-65	LOWELL M. BIRRELL - Filed defendant's hearing memorandum (filed in C.159-275)
7-1-65	LOWELL M. BIRRELL - Filed affdvt. of George C. Levin, Trustee of Swan Finch Oil Corp (filed in C.159-275)
7-1-65	LOWELL M. BIRRELL - Filed Show Cause Order to reduce bail from \$50,000. to \$5,000. ret. 7-6-65. CANNELLA, J. (Filed in 159-275.)
7-6-65	LOWELL M. BIRRELL - Motions for appointment of counsel and for bail reduction - Argued - Decision Reserved. BRYAN, D.J.
7-14-65	LOWELL M. BIRRELL - Filed remand dated 2/11/65. Weinfeld, J. filed in 159-275.



DATE	PROCEEDINGS
27-65	LOWELL M. BIRRELL - Filed Memorandum # 31495 - BRYAN, D. J. (Filed in 61 Cr 200). "Defendant Birrell has moved for reduction of bail from \$50,000, the sum now fixed, to \$5,000. * * * * * Taking into account all the circumstances the defendant's bail on the indictments pending against him is reduced to the sum of \$15,000. It is so ordered. 7/27/65 BRYAN, D. J." (SEE Memorandum & Order) (Mailed notice on 7/28/65).
29-65	BENJAMIN N. SAPORTA - Memorandum endorsed on motion, filed 6/21/65: " Motion granted after hearing today. It is so ordered. 7/29/65 TYLER, Jr., D.J."
4/65	LOWELL M. BIRRELL - Bailbond \$15,000. 7/30/65 The Stuy. Ins. Co. to cover indicts. 61-Cr-200 -692-820-903 & 62-Cr.307.
6-65	LOWELL M. BIRRELL - Filed in 61 Cr 692 & four other cases Affidavit, Consents & Order extending the def't's bail limits. CANNELLA, D.J.
13-65	BENJAMIN N. SAPORTA - Richard Owen, Esq. relieved as atty. Def't. to return 8-18-65 with new counsel. TENNEY, J.
20-65	BENJAMIN M. SAPORTA - Bernard Koven, Esq., assigned as Counse. CASHIN, J.
7/2/65	Filed Transcript of record of proceedings, dated 10/19/65
25-65	LOWELL M. BIRRELL - Filed in, 61 Cr 200, Affidavit & Notice of Motion to turn over to def't certain files of Birrell & Larsen to assist def't & his counsel in case in Supreme Court: New York County, Etc. (SEE 61 Cr 200)
25-65	LOWELL M. BIRRELL - Filed in, 61 Cr 200, Affidavit of Stephen I. Mammernan, Esq., AUSA, dated 10/25/65, in opposition to above motion.
25-65	LOWELL M. BIRRELL - Docketed in, 61 Cr 200, Answering Affidavits of Robert S. Stitt, Esq., filed 10/22/65, in opposition to motion filed 10/25/65.
0/28/65	FILED COPY OF Memorandum #31768, re: relieving WILLIAM B. PENNELL ESQ. as assigned Counsel for LOWELL M. BIRRELL and substituting WILLIAM J. BRENNAN, III, ESQ. and WILLIAM J. WALLS Esq., both of 1 Chase Manhattan Plaza NYC. to represent the defendant BIRRELL in these Three Actions- 61 Cr. 692, 61 Cr. 820 and 61 Cr. 903. These appointments will be made pursuant to the CJA Act of 1964, Counsel to be so substituted will submit appropriate papers to accomplish their appointment thereunder. BRYAN, J.
0-28-65	LOWELL M. BIRRELL - 2nd memo endorsed on motion filed 6-8-65 - Motion of Wm. B. Pennell to be relieved as assigned counsel in this and in 61 Cr. 820 & 61 Cr. 903 is granted (see memo of even date) - So ordered - (Notice mailed 10-29-65) CANNELLA, J.
1-8-65	LOWELL M. BIRRELL - Filed Affidavit and Order that William J. Brennan, III is appointed as counsel to Lowell M. Birrell in the cases of 61 Cr 692, 61 Cr 820 & 61 Cr 903 and that William J. Walls, Esq., is appointed as alternate counsel for Lowell M. Birrell in the event of the physical incapacity of William J. Brennan, III. (Address - W. J. Brennan, III - 1 Chase Manhattan Plaza, New York, N.Y.). Bryan, J. (Mailed notice 11/8/65).



61 Cr. 692

MC LEAH, J. RULE 2 on 10-10-65 (Page 13)

DATE	PROCEEDINGS
11-12-65	LOWELL M. BIRRELL: Filed Order (CJA Form 2) Appointing William J. Brennan, III and William J. Walls, as counsel (Copy mailed to Adm. Office) BRYAN, J.
11-22-65	LOWELL M. BIRRELL: Filed affdvt & show cause order for extention of bail limits: Memo endorsed dated 11-23-65: Granted upon conditions as indicated by Court during argument-Settle order on 11-24-65 accordingly. TYLER, J. <del>From record of 61 Cr. 200, May 1965 (Filed in 61 Cr. 200)</del>
1-23-65	Filed (in 61 Cr. 200) opposing affdvt.
1-24-65	LOWELL M. BIRRELL - Filed Order & Consents enlarging Deft. bail limits Consented to. TYLER, J. (Mailed Notice 11-29-65)
12-2-65	Filed Gov't's affdvt & notice of motion under Rule 2 for assignment to a judge for all purposes.
12-6-65	Memorandum endorsed on motion, filed 12/2/65: " This motion is respectfully referred to Chief Judge Ryan. TENNEY, D.J."
12-13-65	Memo endorsed on motion filed 10-25-65-The within motions are respectfully referred to Chief Judge Ryan. TENNEY, J.
12-15-65	2nd Memo endorsed on motion filed 10-25-65-Motion denied because it admittedly does not follow procedure ordered by Judge Wyatt, etc. (see complete entry in 61 Cr.200) RYAN, J.
1/5/66	Filed Transcript of record of proceedings, dated 6/28/65
1/5/66	Filed Transcript of record of proceedings, dated 11/23/65
9-28-66	Filed order referring this action to the HONORABLE WM. B. HERLANDS for all purposes. (notices mailed) SUGARMAN, Ch.J.
9-28-66	LOWELL M. BIRRELL-Filed opposing affdvt to motion for assignment for all purposes.
9-28-66	BENOF BERMAN-Filed opposing affdvt to motion for assignment for all purposes.
10/27/66	B. BERMAN:- Filed notice of motion to dismiss for unnecessary delay in bringing to trial. (To CHMERS - HERLANDS - 11/2/66)
10-28-66	LOWELL M. BIRRELL- Filed notice of motion to dismiss Cts. 2 thru 16, strike certain words from the indictment, bill of particulars, inspect & copy and permitting the service of a subpoena duces tecum. (To CHMERS - HERLANDS - 11/2/66)
10-28-66	LOWELL M. BIRRELL- Filed affidavit and notice of motion to have another Judge assigned in this proceeding. Filed memorandum in support.
10-28-66	LOWELL M. BIRRELL - Filed affidavit & notice of motion to direct U.S. Atty. to file an inventory of the property siezed from the deft. Filed memorandum in support. (To CHMERS - HERLANDS - 11/2/66)
10-1-66	LEO GLASSMAN ) PHIL KROMHOLZ ) MAX LEVINE ) HARRY LEVINE ) Filed affdvt & notice of motion for bail reduction. (To CHMERS - HERLANDS - 11/2/66)

DATE	PROCEEDINGS
1-7-66	LOWELL M. BIRRELL-Memo endorsed on motion to assign another judge filed 10-28-66- Respectfully referred to Judge Herlands. TYLER, J.
1-9-67	LOWELL M. BIRRELL - Filed Gov't's Memorandum of Law in opposition to deft's motion to disqualify Judge Herlands.
1-9-67	LOWELL M. BIRRELL - Filed Affidavit of Stephen L. Hammerman, Esq., AUSA, in opposition to deft's motion to disqualify Judge Herlands.
1-9-67	LOWELL M. BIRRELL - Filed Opinion # 33134 - HERLANDS, D.J. - " The defendant Lowell M. Birrell has moved, pursuant to 28 U.S.C. S. 1442 to disqualify District Judge William B. Herlands (the writer of this opinion) from presiding over this case on the ground that Judge Herlands (hereinafter " the Court") has a personal bias or prejudice against the defendant. The case had been referred to the Court for all purposes by an order of the Chief District Judge, dated September 27, 1966, in accordance with Rule 2 of the General Rules of United States District Courts for the Southern and Eastern Districts of New York. * * * * *. The defendant's motion is denied. So ordered. 1/9/67 HERLANDS, J." (SEE Opinion and Order) (Mailed notice on 1/10/67).
1/10/67	L.M. BIRRELL; Pre-trial conference held.
1-10-67	BENOF BERMAN - Memorandum endorsed on motion, filed 10/27/66 - " The within motion is withdrawn this day by the defendant -Berman, through his attorney, without prejudice and upon the consent of the United States Attorney. So ordered. 1/10/67 HERLANDS, J."
1/19/67	L.M. BIRRELL; Pre trial conference held.
1-19-67	LOWELL M. BIRRELL-Filed Opinion #33,182. Deft's motion for bill of particulars granted to the extent that the Gov't has consented. Denied in all other respects. Settle order on notice. Bill shall be served 15 days after settled order is signed. (see opinion) (Mailed notice) HERLANDS, J.
-26-67	LOWELL M. BIRRELL-Filed affdvt & notice of motion to extend deft's bail limits.
-26-67	LOWELL M. BIRRELL-Filed Gov't's opposing affdvt to extension of bail limits.
-26-67	LOWELL M. BIRRELL-Filed order extending deft's bail limits to SD Fla, ND Tex., Dist Md., E & W Va., Dist. of Col.- continued to 3-6-67-, etc. HERLANDS, J.
1/26/67	L.M. BIRRELL: Filed MEMO endorsed on motion to extend the defendants bail limits as indicated in previous entry. (MOTION GRANTED, SEE ORDER SIGNED THIS DATE HERewith) Mailed notice. HERLANDS, J.
1/26/67	L.M. BIRRELL; Pre-trial conference held.
-6-67	LOWELL M. BIRRELL - Filed Consents and Order extending the period of enlargement of the deft's bail limits. HERLANDS, J.
1-14-67	L.M. Birrell - Defts. motions (1) Inventory, (2) Pre-trial Evidentiary Hearing. Motions argued. Decisions Reserved. Herlands, J.
-15-67	LOWELL M. BIRRELL - Filed affdvt. consent and order extending bail limits to permit travel to D.C., Maryland, Eastern & Western Virginia, Southern Florida and Northern Texas.